

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROYCE CORLEY,

Plaintiff,

-against-

HONORABLE BONNIE G. WITTNER,
J.S.C.; MICHAEL J. BARRY; PORTS &
FILES, INC.; GLENN F. HARDY, ESQ.;
GLENN F. HARDY, P.C.; CYRUS R. VANCE,
JR.; JOHN TEMPLE; DAVID STUART;
GREG WEISS; JOHN DOE; AND THE CITY
OF NEW YORK,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED. 4/29/16

15-CV-9621 (JGK)

ORDER OF SERVICE

JOHN G. KOELTL, United States District Judge:

By order dated April 28, 2016, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis*.¹ To allow Plaintiff to effect service on Defendants Bonnie G. Wittner, Michael J. Barry, Ports & Files, Inc., Glenn F. Hardy, Glenn F. Hardy, P.C., Cyrus R. Vance, Jr., John Temple, David Stuart, Greg Weiss, and the City of New York through the U.S. Marshals Service, the Clerk of Court is instructed to send Plaintiff one U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for each Defendant. Within thirty days of the date of this order, Plaintiff must complete a USM-285 form for each Defendant and return those forms to the Court.

If Plaintiff does not wish to use the Marshals Service to effect service, Plaintiff must notify the Court in writing within thirty days of the date of this order and request that a summons be issued directly to Plaintiff. If within thirty days, Plaintiff has not returned the USM-285

¹ Under 28 U.S.C. § 1915(b)(1), prisoners must pay the full amount of the \$350.00 filing fee even when they have been granted permission to proceed *in forma pauperis*.


forms or requested a summons, under Rule 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute.

Upon receipt of each completed USM-285 form, the Clerk of Court shall issue a summons and deliver to the Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon each Defendant.

No matter what method of service Plaintiff chooses, Plaintiff must effect service within 90 days of the date the summons is issued. It is Plaintiff's responsibility to ensure that service is made and, if necessary, to request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012). If within 90 days of issuance of the summons, Plaintiff has not made service or requested an extension of time in which to do so, under Rules 4(m) and 41(b) of the Federal Rules of Civil Procedure, the Court may dismiss this action for failure to prosecute. Finally, it is Plaintiff's obligation to promptly submit a written notification to the Court if Plaintiff's address changes, and the Court may dismiss the action if Plaintiff fails to do so.

SO ORDERED.

Dated: April 29, 2016
New York, New York



JOHN G. KOELTL
United States District Judge